Remarks

Prior to this Preliminary Amendment (that is, upon entry of Applicants Amendment and Response mailed 14 July 2003), claims 2-5, 7, 9-15, and 17-24 were pending in the Application. Herein, claims 3, 5, 7, 9-11, 13-14, and 17-22 were amended; claims 2 and 4 were cancelled, and independent claim 25 was added. Therefore, upon entry of the Amendment, claims 3, 5, 7, 9-15, and 17-25 will remain pending in the Application. Entry of this Amendment, reconsideration, and allowance of the pending claims is respectfully requested.

CLAIM OBJECTIONS AND ALLOWABLE SUBJECT MATTER

In the Advisory Action mailed 28 July 2003, the Examiner objected to claim 7 as dependent on rejected claims, but indicated that it would be allowable if rewritten in independent form including the limitations of the base claim, intervening claims, and the limitation removed from claim 9 in the Amendment After Final (mailed 14 July 2003, entered by RCE mailed 14 August 2003).

Applicants gratefully acknowledge the indication of allowable subject matter, and for clarity have added a new independent claim 25 that includes the limitations of previously pending claims 9 and 2-7. The combined claim has been amended to make the language more clear, correct, and consistent with the independent format.

CLAIM REJECTIONS

In the Advisory Action, the Examiner indicated that the final rejection stood notwithstanding the Amendment After Final as Applicants had broadened independent

claims 9 and 17, and not amended independent claim 22. In response, Applicants have narrowed claims 9, 17, and 22. In addition, Applicants note that the claims as pending are substantially redirected in emphasis from those originally filed and have herein been significantly amended to reflect the new emphasis and improve clarity.

The Summary of the Invention section of the Specification has been amended to be consistent with the pending claims.

For these reasons, Applicants respectfully urge the Examiner to consider the claims in their present form, and as well the applicable arguments presented in the Amendment After Final, which are reproduced below with changes to reflect the current state of the claims where appropriate.

In the Office Action mailed 14 April 2003, the Examiner rejected claims 9-17 and 20-24 under 35 U.S.C. §103 as being unpatentable over *Raissinia et al.* (U.S. Patent No. 6,408,165) in view of *Kamerman et al.* (U.S. Patent No. 6,067,291) and *Gourgue* (U.S. Patent No. 5,564,075). In response, Applicants note that the claims, and in particular independent claims 9, 17, and 22, have been amended to focus more closely on the present invention. In particular, the present invention contemplates that the signal generator generates (during selected intervals) a *mobile-station* transmit power indication signal indicating a maximum mobile-station transmit power, which signal is then broadcast. As the dependent claims further indicate, the selected intervals where a mobile-station transmit power indication signal is generated is likely a contention period such as the one defined in the IEEE 802.11 protocol. *Raissinia et al.* does not teach or suggest broadcasting such a signal.

In fact, the system of *Raissinia et al.* appears not to be operable in this fashion given then manner in which is relies on a series of measurements of signals received from an individual subscriber unit (col. 3, lines 14-49). In other words, *Raissinia et al.* could not be modified to perform power control according to the present invention without departing almost completely from its own teaching. Applicants respectfully suggest that it would therefore not be at all obvious to make such a modification.

The same is true of *Gourgue*, which teaches the transmission of a broadcast signal at a constant power level, the broadcast containing an indication of this (broadcast-signal) power level that receiving mobile stations may use in their own transmit power level calculations (col. 3, lines 18-28). *Gourgue* does not teach or suggest broadcasting during selected intervals a signal indicating the maximum transmit power level to be used by mobile stations during the interval. Modifying *Gourgue* to include this feature would simply amount to adding Applicants' disclosure to the *Gourgue* reference. There is no suggestion to do so in any of the cited references or, for that matter, in the present Application.

Moreover, *Raissinia et al.* and *Gourgue* suggest power-control approaches that are quite different (though not necessarily mutually exclusive), meaning that there exists no real suggestion to combine them in the first instance. And Applicants respectfully assert that they may certainly not be combined to reach the present invention. In fact, the two disclosures, when read together, actually seem to indicate that a variety of different and distinguishable techniques may be used to address the issue of power control; Applicants have provided another, novel approach.

With regard to claim 22, since neither *Raissinia et al.* nor *Gourgue*

teach or suggest varying a power-control related signal according to whether they will be transmitted or applied in a contention period or a contention-free period, the two references cannot be combined to provide such a teaching. Applicant's respectfully suggest that a mere indication that such periods exist (whether in *Kamerman et al.* or in IEEE 802.11) cannot be used as a motivation not only for combining the references, but for modifying their combined teachings to reach the present invention.

For the reasons provided above, Applicants respectfully suggest that this grounds for rejection has been overcome.

In the Office Action, the Examiner rejected also claims 2-4 and 18-19 under 35 U.S.C. §103 as being unpatentable over *Raissinia et al.* in view of *Kamerman et al.* and *Gourgue,* and further in view of *Krishnakumar et al.* (U.S. Patent No. 6,014, 087). Applicant's note that claims 2 and 4 have been cancelled, and that claim 3 and claims 18-19 depend from independent claims 9 and 17, respectively, and are therefore distinguishable from the cited prior art for the reasons provided above. The *Krishnakumar et al.* reference simply mentions the PCF period and does not supply the missing motivation to combine the other references or modify their teachings to reach the present invention. For this reason and for those provided above, Applicants respectfully suggest that this ground for rejection has also been over come.

In the Office Action, the Examiner rejected also claims 5 and 7 under 35 U.S.C. §103 as being unpatentable over *Raissinia et al.* in view of *Kamerman et al.* and *Gourgue,* and further in view of *Larsson et al.* (U.S. Patent No. 5, 241,690). Applicant's note that claims 5 and 7 depend from claim 9, and are therefore also distinguishable from the cited prior art for the reasons provided above. The *Larsson et al.* reference simply

mentions that a signal may be used to either increase or decrease transmit power and does not supply the missing motivation to combine the other references or modify their teachings to reach the present invention. For this reason and for those provided above, Applicants respectfully suggest that this ground for rejection has also been overcome.

In light of the foregoing, the pending claims are believed to be in condition for allowance. Accordingly, examination and allowance of pending claims 3, 5, 7, 9-15, and 17-25 is respectfully requested.

Respectfully submitted,

Scheef & Stone, L.L.P.

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Stephen J. Wyse
Registration No. 40,880

5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4200
Facsimile: (214) 706-4242
E-mail: stephen.wyse@scheefandstone.com